



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/225,574      | 01/05/1999  | ROBIN TARRY          | 024730018           | 2324             |

7590

11/29/2001

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER  
1300 I STREET N.W.  
WASHINGTON, DC 200053315

EXAMINER

MILLER, BENA B

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/225,574

Applicant(s)

TARRY ET AL.

Examiner

Bena Miller

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-36 and 38-54 is/are pending in the application.
- 4a) Of the above claim(s) 19-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 38-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Brostedt et al.

Brostedt teaches in figures 1-10 a system comprising a video camera (36), a processor (24), a video controller (51) and a first display device (fig.6) configured as claimed.

Regarding claim 39, Brostedt further teaches a head-mounted display (101) configured as claimed.

Regarding claim 40, Brostedt further teaches a second display device (25) configured as claimed. Regarding the video controller, the examiner takes the position that the video controller of Brostedt includes a circuitry, inasmuch as it does not appear that it would work without circuitry.

Regarding claim 41, Brostedt further teaches a signal splitter (103) configured as claimed.

Regarding claim 42, Brostedt further teaches a video mixer (fig. 8, 54) configured as claimed.

Art Unit: 3712

Regarding claim 43, Brostedt further teaches an audio output (fig.8) configured as claimed. Regarding the video controller see the comments regarding claim 40 set forth above.

Regarding claim 44, Brostedt further teaches earphones (102) configured as claimed.

Regarding claim 45, Brostedt further teaches a microphone (35A) configured as claimed.

Regarding claim 46, Brostedt further teaches a personal computer (25) configured as claimed.

Regarding claim 47, Brostedt further teaches means for receiving an instructional input (26) and a means for converting the instructional input (38) configured as claimed.

Regarding claim 48, Brostedt teaches in figures 1-12 the method for providing real-time instructional feedback comprising the steps of forming a real-time video (fig.1), generating an instructional signal (col.5, line 54-64), combining the instructional signal and the real-time video to form a composite video (col.5, line 54-64) and displaying the composite video signal to the user (col.5, line 54-64).

Regarding claim 49, Brostedt further teaches displaying the composite signal on a head-mounted (col. 5, line 54-64).

Regarding claim 50, Brostedt further teaches an annotated video signal (fig.1).

Regarding claim 51, Brostedt further teaches superimposing the instructional signal with the real-time video signal (fig. 4 and 8).

Art Unit: 3712

Regarding claim 52, Brostedt further teaches generating an aural signal (fig. 4 and 8).

Regarding claim 53, Brostedt further teaches generating an electrical signal representing an audio signal and generating the aural signal from the audio signal (col. 5, line 54-64; col.6, line 63- col. 7, line 16; col. 8, line 6-58).

Regarding claim 54, Brostedt further teaches receiving an instructional input generated at a site remote from the user and converting the instructional input into the instructional signal (col. 7, line 53-67).

### ***Response to Arguments***

Applicant's arguments filed 09/27/01 have been fully considered but they are not persuasive. In response to applicant's argument that Brostedt fails to teach a video controller as recited in the claims, the examiner disagrees. Brostedt teaches in column 6, lines 2-23, a video controller that is coupled to via a video cable to a pair of video glasses which allows an individual to view his or her swing, golf club and a imaginary ball while also viewing the instructor's swing. It is noted that the phrase "so that the resulting video image will superimpose an instructional image onto an image of the user engaged in the activity" recite only function or intended use of the claimed system and is not considered to add any structure to the claim or to structurally distinguish the claim from the prior art. For the reasons set forth above, the examiner contends that Brostedt meets the limitation of claim 38.

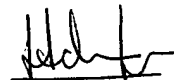
Art Unit: 3712

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643.

The examiner can normally be reached on Monday-Friday.

bbm

November 20, 2001



JACOB K. ACKUN, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.